

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GADELLE DANTE FERGUSON,

Plaintiff,

v.

STATE OF MINNESOTA,

Defendant.

Civil No. 08-2667 (ADM/JJG)

**ORDER ON REPORT AND
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Petitioner Gadelle Dante Ferguson's petition under 28 U.S.C. § 2254 for a writ of habeas corpus (Doc. No. 11) is **DENIED**; and
2. This case is **DISMISSED WITH PREJUDICE**.

Dated: June 30, 2009

s/Ann D. Montgomery
ANN D. MONTGOMERY
United States District Judge